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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/691,798      | 10/23/2003  | George R. Allen      | Allen-1             | 7177             |

7590 08/31/2004  
Donald N. Halgren  
35 Central Street  
Manchester, MA 01944

EXAMINER

GRILES, BETHANY L

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3643

DATE MAILED: 08/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/691,798

Applicant(s)

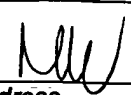
ALLEN, GEORGE R.

Examiner

Bethany L. Griles

Art Unit

3643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-16 is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-6 and 14-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Fry et al. GB2257357A.

Regarding claim 1, Fry et al. disclose an injection plug assembly for insertion into a wall structure to permit safe access to and wide distribution of a fluid spray into said wall structure, said assembly comprising: an elongated outer sleeve 14 arranged to pinch any thickness wall structure; and an elongated outer sleeve-adjusting fluid delivery bolt 28 arranged through and permanently received within said outer sleeve -- 14, said elongated bolt having a generally radially directed fluid distribution channel adjacent a distal end thereof (please refer to figure 1 of Fry et al.).

Regarding claim 2, Fry et al. disclose the injection plug assembly as recited in claim 1, wherein said elongated delivery bolt 14 has a bore 19 arranged therethrough for delivery of fluid therefrom.

Regarding claim 3, Fry et al. disclose the injection plug assembly as recited in claim 2, wherein said elongated delivery bolt has a cap 24 on a proximal end thereof.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fry et al. in view of Jackson US5058312.

1. Regarding claim 4, Fry et al. substantially disclose the invention as discussed in claims 1-3.
2. Fry does not disclose that the cap 24 is removable.
3. Jackson discloses that the cap 96 is removable (col 5, line 26 discloses that the cap is hingeably mounted).
4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Jackson of a removable cap to the invention of Fry et al. in order to make maintenance on the unit easier to perform.
5. Regarding claim 5, Fry et al. substantially disclose the invention as discussed in claims 1-3.
6. Fry does not disclose that the bolt 14 has a plurality of radially directed openings.

7. Jackson discloses that the bolt 130 has a plurality of radially directed openings on its distalmost end to permit sideways directed fluid discharge (col 7, lines 58-61).
8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Jackson of a bolt with radially directed openings in order to distribute the fluid as efficiently as possible.
9. Regarding claim 6, Fry et al. substantially disclose the invention as discussed in claims 1-3.
10. Fry does not disclose that the an array of longitudinally directed pairs of fingers.
11. Jackson discloses that the sleeve 64 has a circumferential array of longitudinally directed pairs of fingers 60 therearound, to permit pinching of said assembly to a wall structure.
12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Jackson of longitudinal fingers to the invention of Fry et al. in order to further disperse the liquid during use.

***Allowable Subject Matter***

Claims 14-16 are allowed.

13. Claims 7-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 703.305.1839. The examiner can normally be reached on Monday through Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703.308.2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Bethany L. Griles  
Examiner  
Art Unit 3643

blg

  
Peter M. Poon  
Supervisory Patent Examiner  
Technology Center 3600

